

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ABEL MEDINA-QUINTERO and
ALFONSO FLORES-RAMIREZ,

Defendants.

NOS. CR-08-151-RHW-1
CR-08-152-RHW-1
CR-09-004-RHW-1
CR-09-004-RHW-2

**ORDER GRANTING
DEFENDANTS' MOTION TO
CONTINUE PRETRIAL AND
TRIAL AND EXCLUDING TIME
UNDER SPEEDY TRIAL ACT**

A pretrial conference was held in the above-captioned matters on May 7, 2009. Defendant Medina-Quintero was present and represented by Jaime Hawk; Defendant Flores-Ramirez was represented by Jeffrey Niesen; the Government was represented by Assistant United States Attorney Russell Smoot. Before the Court are Defendant Medina-Quintero's Motions for Extension of Time (Ct. Recs. 57 and 62) and Motions to Expedite Hearing thereupon (Ct. Recs. 58 and 63), and Defendant Flores-Ramirez's Motion to Sever or Redact (Ct. Rec. 55). The Court granted Defendants' unopposed motions for the reasons set forth at the hearing.

At the hearing, Defendants orally moved for a continuance of the trial in order to continue negotiations towards a resolution, and to investigate and prepare for trial in the event those negotiations fail. The Government did not object to a continuance. The Court conducted a colloquy with both Defendants regarding their rights under the Speedy Trial Act and Defendants waived those rights.

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ORDER GRANTING DEFENDANTS' MOTION TO CONTINUE * 1

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant Medina-Quintero's Motions for Extension of Time (Ct. Recs.
3 57 and 62) and Motions to Expedite Hearing thereupon (Ct. Recs. 58 and 63) are
4 **GRANTED.**

5 2. Defendant Flores-Ramirez's Motion to Sever or Redact (Ct. Rec. 55) is
6 **GRANTED.** The Government is directed to redact any material as required by
7 *Bruton v. United States*, 391 U.S. 123 (1967). Defendant Flores-Ramirez may
8 renew this motion if after he has received the redacted materials he continues to
9 believe there may be a *Bruton* violation.

10 3. The jury trial set for March 26, 2009, in Cause Nos. CR-09-004-RHW-1,
11 CR-09-004-RHW-2, CR-08-151-RHW-1, and CR-08-152-RHW-1, is **stricken**. A
12 new jury trial for those four matters is **set** for **September 8, 2009**, in Spokane,
13 Washington. Counsel shall meet in chambers at 8:30 a.m. Jury selection shall begin
14 at 9:00 a.m.

15 3. A pretrial conference is **set** for **July 30, 2009, at 9:00 a.m.**, in Spokane,
16 Washington.

17 4. All pretrial motions shall be filed on or before **July 7, 2009.**

18 5. Pursuant to 18 U.S.C. § 3161(h)(8)(A), the time between May 26, 2009,
19 the current trial date, until September 8, 2009, the new trial date, is **declared**
20 **excludable** for purposes of the Speedy Trial Act. The Court finds that the
21 continuance is necessary to allow Defendants time to fully investigate and prepare
22 for trial. Defendants' interest in this investigation and preparation outweighs the
23 interest of the public and Defendants in a speedy trial.

24 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
25 order and to provide copies to counsel.

26 **DATED** this 11th day of May, 2009.

27 *S/ Robert H. Whaley*
28 ROBERT H. WHALEY
Chief United States District Judge

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ORDER GRANTING DEFENDANTS' MOTION TO CONTINUE * 2